



FLATHEAD

CONSERVATION DISTRICT

Locally-led Conservation Since 1945

133 Interstate Lane, Kalispell, MT 59901 | www.flatheadcd.org | 406-752-4220

CALL TO ORDER & ATTENDANCE

Chair Pete Woll called the December 9, 2019, 310-Stream Permit meeting to order at 7:00 P.M. in the conference room.

Board members present:

Pete Woll, Chair; Lori Curtis, Vice Chair; Dean Sirucek, Secretary/Treasurer; Ronald Buentemeier, Supervisor; Verdell Jackson, Supervisor; Lech Naumovich, Supervisor; being a quorum of the Board.

Board members absent: John Ellis, Supervisor. Absence is excused.

Also, in attendance were Donna Pridmore, Associate Supervisor; Hailey Graf, Samantha Tappenbeck and Ginger Kauffman, FCD staff; Kenny Breidinger, MFWP; Ron Trippet; Bear Barinowski, Malmquist Construction; Chris Arterburn; David Ordway, Kevin Malloy, Carver Engineering.

MINUTES

Lori Curtis motioned “to approve the minutes of the November 12, 2019, 310-Stream Permit meeting as presented.” Dean Sirucek seconded. Motion carried unanimously.

Ronald Buentemeier motioned “to approve the minutes of the November 25, 2019, Business meeting as presented.” Verdell Jackson seconded. Motion carried unanimously.

CORRESPONDENCE

Email - eNewsletters

1. Montana Watershed Coordination Council *Watershed News*
<http://mtwatersheds.org/app/>
2. National Association of Conservation Districts (NACD) *eResource*
<https://www.nacdnet.org/>
3. Flathead Audubon *Pileated Post* <http://www.flatheadaudubon.org/>
4. Montana Invasive Species Bulletin *MISC*
<http://dnrc.mt.gov/divisions/cardd/montana-invasive-species-program/misc>



5. Custer County Conservation District *Conservation Update*
Contact 406-232-7905

Email – Meetings, Workshops, Seminars, Series

1. Montana Water Summit registration is \$120 and will open January 7.
<http://dnrc.mt.gov/divisions/water/management/training-education/the-montana-water-summit-2020>
Contact: Sara Meloy (444-4247) or Ann Schwend (444-1806)
2. NRCS Montana Conservation Video Series, News, Events and more
<https://www.nrcs.usda.gov/wps/portal/nrcs/mt/newsroom/stories/>
3. Whitefish Planning Board meeting, Thursday, December 19, 6:00 P.M. Whitefish City Council Chambers <http://www.cityofwhitefish.org/>

Email – Notices

1. Department of Agriculture Administrative Rule Amendments –
View current administrative rule changes at <http://liv.mt.gov/Home/ARM-Notices>.
You may also obtain a complete copy of our rules or official order(s), electronic copy or mailed hard copy, by contacting Cinda Young-Eichenfels in the State Veterinarian's office at 406-444-3703 or by e-mail request to ceichenfels@mt.gov.

FINANCIAL

The following bills were reviewed:

1. Byte Savvy \$55.00
2. Flathead Beacon \$528.00
3. Snowghost Design Inc. \$123.00
4. Whitefish Lake Institute \$1,318.32

Dean Sirucek motioned “to approve the bills as presented.” Verdell Jackson seconded. Motion carried unanimously.

PUBLIC COMMENT PERIOD

FL2019071, Martinovich, Stillwater River: Andrew Barrinowski, Malmquist Construction, provided photos and stated that the 310-application was submitted too late to be on the meeting agenda. The landowner is requesting the removal of a tree which was cut down approximately 5-10 years ago and fell down the streambank towards the river. Equipment is on site until the end of the week and they could remove the tree without disturbing the bank. He noted that this is not an emergency, and that he wanted to follow the correct procedures. Kenny Breidinger waived the onsite inspection, however, Verdell Jackson did want to see the site before snow fall. An onsite inspection was scheduled for Tuesday, December 10, 10:00 A.M. at the site.



310's

Bradley, FL2019066C, Unnamed stream, complaint: Ronald Buentemeier stated that a complaint response has not yet been received.

Kenny Breidinger noted that he will be doing an onsite inspection with the Forest Service hydrologists for a 124-permit. Mr. Bradley wants beaver dams on adjacent Forest Service property to be removed as they threaten his footbridge.

Ronald Buentemeier motioned "to table until the January 310-meeting." Lori Curtis seconded. Motion carried unanimously.

Bradley, FL2019067C, Unnamed stream, complaint: Ronald Buentemeier stated that a complaint response has not yet been received.

Ronald Buentemeier motioned "to table until the January 310-meeting." Lori Curtis seconded. Motion carried unanimously.

Butts, FL2019056C, Unnamed stream, complaint: Dean Sirucek provided photos of the site and explained that a spring comes out of the ground and flows downstream. The landowner excavated an area, filled in across a portion of the streambed and placed a culvert for a ground water well over the top of Bales Creek. The culvert is 12-feet deep from the surface. A small area is left in the streambed channel where the water seeps through. Kenny Breidinger noted that water was flowing when the onsite inspection was held. Water-rights were briefly discussed.

Kenny and Dean both agreed that the project is a violation and noted that if the landowner had applied for a permit before beginning work, he would have been required to move back farther from the stream and not place fill into the channel. They noted that the landowner would do more damage pulling out the well now.

Dean Sirucek motioned "that activity was initiated on a perennial-flowing stream without a valid permit, therefore it is a violation." Lech Naumovich seconded. Motion carried unanimously.

Dean Sirucek motioned "the landowner must submit an after-the-fact application for work that has been done, with the requirement that the material deposited within the streambed be removed and placed at least 25-feet back from the channel area." Lech Naumovich seconded. Motion carried unanimously.

Hogan, FL2019004, Rose Creek, well/cistern, excavation/structures/utilities: Pete Woll stated the landowner requested the application be tabled and noted that the LOMA information has not been received to date.

Pete Woll motioned "to table until the January 310-meeting." Lori Curtis seconded. Motion carried unanimously.



Hufstedler, FL2019059, Stillwater River, path: Verdell Jackson provided onsite photos and stated that the project is for a walking path down to the Stillwater River. The landowner wants to extend the path so that it levels out at the bottom.

Kenny Breidinger stated they started the project not realizing they needed permits, then stopped the work and applied for permits. The path is not completed, and just drops off where work stopped. They want to cut the change in slope/drop off down a little to extend the bottom of the path a little closer to the river. He described the site topography and added that proposed work in the area that has not yet been constructed is within the jurisdiction of the district.

The neighbor, David Ordway, stated he contacted Joseph Bauer, Flathead County Planning & Zoning Compliance Office, who issued a stop work order. Ordway voiced concern regarding debris in the material pushed down the path and stated water comes up to where the pile is now, in the floodplain. He asked that the board request the debris be cleaned up and suggested a culvert be added. Mr. Ordway was also concerned that trees at the top of the path were pushed out instead of being cut leaving the stump and destabilizing the ground. He noted that the bank area has a history of movement of soils, and large sloughs occur due to sub-surface water.

Kenny asked if this is just a cut-slope diagonalizing down the bank. Chris Arterburn replied yes, they were just working their way down. "What you saw at the bottom is material we pushed down the hill, but I am not aware of debris." He stated that there were concrete blocks on the property, some scattered throughout the hillside. Blocks lining the back of the house were removed and taken to the dumpster. He noted that re-seeding of all disturbed areas will occur in the spring.

Verdell Jackson motioned "to approve the application as submitted." Lori Curtis seconded. Motion carried unanimously.

Martin, FL2019046, Whale Creek, bank stabilization/debris removal: Ronald Buentemeier motioned "to send a letter to Mr. Martin stating the application is withdrawn and that if he wants work done on the site he was talking about - USFS property - he must contact the USFS regarding a 124-permit." Lori Curtis seconded. Motion carried unanimously.

NW Dev Group LLC, FL2019070, Trumbull Creek, culverts/road construction, utilities, etc.: Ronald Buentemeier explained that the old permit #FL2019003 expired, so the landowner is applying for a new permit with no changes. Ronald and Kenny Breidinger waived the onsite inspection and noted that conditions will be the same as in the old permit.

Ronald Buentemeier motioned "to approve the application as submitted." Dean Sirucek seconded. Motion carried unanimously.

Trippet, FL2019069, Flathead River, bank stabilization: Dean Sirucek explained that the old permit expired, and that the landowner has submitted a new application. There are



no changes. Dean and Kenny Breidinger waived the onsite inspection and noted that conditions will be the same as in the last permit #FL2018048.

Dean Sirucek motioned “to approve the application with modifications, with the same conditions listed in the Team Member Report for the last permit #FL2018048.” Lori Curtis seconded. Motion carried unanimously.

WestWood Park, FL2019033C, Bowser Spring Creek, complaint/violation: Verdell Jackson motioned “to table until the January 310-meeting.” Lori Curtis seconded. Motion carried unanimously.

NEW BUSINESS

Adopted Rules Updates: Hailey Graf explained that due to legislative changes, the Adopted Rules needed to be updated. The draft update was sent to Caitlin Overland, Flathead County Attorney’s office, for review. The next step in the process is to schedule a public hearing, which can be at a regular meeting.

Lori Curtis motioned “to schedule the public hearing on the Adopted Rules update for the January 2020 business meeting.” Lech Naumovich seconded. Motion carried unanimously.

Demonstration Garden Grant #23G-19-3639: Hailey Graf explained that the grant was going to expire 12/31/2019, so she applied for an extension. DNRC has approved the extension to August 31, 2020. Hailey asked the board to approve and sign the extension.

Dean Sirucek motioned “to approve the extension for grant #23G-19-3639.” Verdell Jackson seconded. Motion carried unanimously.

Education Grants: Hailey Graf stated that the board had previously approved the Education Grant for Glacier Gateway in the amount of \$900. Glacier Gateway has submitted a request to amend the budget from \$900 to \$992.40 as they did not include shipping.

Lech Naumovich motioned “to approve amending the budget for the Glacier Gateway tower garden education grant.” Lori Curtis seconded. Motion carried unanimously.

Cow Creek Grant #218013: Ginger Kauffman explained that an invoice was received from Whitefish Lake Institute in the amount of \$1318.32 for sampling and analysis, and that the Billing Statement needs to be approved and submitted to DEQ for payment.

Dean Sirucek motioned “to approve the billing statement in the amount of \$1318.32 and submit to DEQ for payment.” Lech Naumovich seconded. Motion carried unanimously.

Records Disposal Request: Ginger Kauffman explained that each year a Records Disposal Request must be submitted to Local Government Records for disposal of



specific files. The current request includes: Rolling Rivers Trailer file dated 1/2011 – 12/2011; and Flathead CD Cost-share file dated 7/2010 – 5/2011.

Lori Curtis motioned “to approve the records disposal request.” Dean Sirucek seconded. Motion carried unanimously.

Furniture Disposal Request: Ginger provided a request to the board to donate an old rolling file that is no longer needed.

Dean Sirucek motioned “to approve the Furniture Disposal Request to donate the old file.” Lech Naumovich seconded. Motion carried unanimously.

MATTERS OF THE BOARD/STAFF

eNewsletter: Samantha Tappenbeck informed the board that the inaugural issue of the district eNewsletter *The Local Dirt* <https://mailchi.mp/04343f37fc6/the-local-dirt-december-2019> went out on December 3rd to 103 people. The content included upcoming events, a link to the district calendar, events, available programs, 310-information, the district blog, links to the district website and Facebook page and more. Future issues will include similar information. The January issue will allow forwarding to friends. Samantha stated that she would also like to use the eNewsletter to highlight success stories and include a partner spotlight. She noted that she is taking sign-up sheets to events for the eNewsletter.

Lech Naumovich commented that this could be a good avenue to highlight 310-permits/process and how projects helped to improve the resource.

Trumbull Creek Restoration Project Update: Hailey Graf reported the project is moving forward. She talked with Laurie Zeller, DNRC, regarding the Request for Qualifications (RFQ) process to hire an engineer to spearhead the project, create the final design, oversee construction etc. Hailey asked for supervisors that may be interested in being on a committee to review the draft RFQ and review offers. Lori Curtis, Lech Naumovich and Ronald Buentemeier volunteered. The RFQ process and areas of work were briefly discussed.

District Boundaries: Hailey Graf explained that FCD staff contacted the County Finance Office and asked them to research tax inconsistencies for properties inside the 1945 boundaries of the City of Kalispell and the City of Columbia Falls. The County Finance Office sent a letter to the district explaining what they had found, and the corrective measures they would take.

December Business meeting: Cancelled.

Soil Health Symposium (SHS): Dean Sirucek expressed an interest in attending the SHS and requested information/costs from staff. The symposium will be held February 4-5 at the Billings Hotel & Convention Center.



Conservation District Landowner Award: Lech Naumovich asked that this be placed on the January Business meeting agenda.

The next 310-Stream Permit meeting is scheduled for Monday, January 13, 2020, 7:00 P.M. in the conference room of the USDA building at 133 Interstate Lane, Kalispell.

Adjournment: Lori Curtis motioned “to adjourn.” Verdell Jackson seconded. Motion carried unanimously. As there was no further business, the meeting was adjourned at 8:50 P.M.

Submitted By:

Ginger Kauffman
Administrator

Hailey Graf
Resource Conservationist

Minutes approved by FCD Board motion made on:

<u>1/13/2020</u>	<u>Pete Woll</u>	<u>Chair</u>
(Date)	(Signature)	(Title - Chair etc.)

